

[117H552]

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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To ensure that a woman seeking a chemical abortion is informed that it may be possible to reverse the intended effects of the abortion if the woman changes her mind, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LAMBORN introduced the following bill; which was referred to the Committee on _____

A BILL

To ensure that a woman seeking a chemical abortion is informed that it may be possible to reverse the intended effects of the abortion if the woman changes her mind, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Second Chance at Life
5 Act of 2023”.

1 **SEC. 2. ABORTION PILL REVERSAL INFORMED CONSENT.**

2 The Public Health Service Act (42 U.S.C. 201 et
3 seq.) is amended by adding at the end the following:

4 **“TITLE XXXIV—ABORTION PILL**
5 **REVERSAL INFORMED CONSENT**

6 **“SEC. 3401. DEFINITIONS.**

7 “In this title:

8 “(1) ABORTION PROVIDER.—The term ‘abortion
9 provider’ means any person licensed to perform a
10 chemical abortion under applicable Federal and
11 State laws.

12 “(2) CHEMICAL ABORTION.—The term ‘chem-
13 ical abortion’ means the use or prescription of an
14 abortion-inducing drug dispensed with the intent to
15 cause the death of the unborn child.

16 “(3) UNBORN CHILD.—The term ‘unborn child’
17 means a member of the species homo sapiens, at any
18 stage of development prior to birth.

19 “(4) WOMAN.—The term ‘woman’ means a fe-
20 male human being whether or not she has reached
21 the age of majority.

22 **“SEC. 3402. ABORTION PILL REVERSAL INFORMED CON-**
23 **SENT.**

24 “(a) REQUIREMENT OF COMPLIANCE BY PRO-
25 VIDERS.—Effective 30 days after the date of enactment
26 of the Second Chance at Life Act of 2023, any abortion

1 provider in or affecting interstate or foreign commerce,
2 who knowingly performs any chemical abortion, shall com-
3 ply with the requirements of this title.

4 “(b) INFORMED CONSENT.—Except in the case of a
5 medical emergency described in section 3403, a chemical
6 abortion involving the two drug process of dispensing
7 mifepristone first and then misoprostol shall not be per-
8 formed or induced or attempted to be performed or in-
9 duced without the following:

10 “(1) The woman is informed, by telephone or in
11 person, by the physician who is to perform the
12 chemical abortion, by a referring physician, or by an
13 agent of either physician at least 24 hours before
14 the chemical abortion, that—

15 “(A) it may be possible to reverse the in-
16 tended effects of a mifepristone-induced chem-
17 ical abortion if the woman changes her mind
18 but that time is of the essence; and

19 “(B) information on and assistance with
20 reversing the effects of a mifepristone-induced
21 chemical abortion is available on the website of
22 the Department of Health and Human Services
23 required by section 3405(b).

24 “(2) After the first drug involved in the two
25 drug process is dispensed in a mifepristone-induced

1 chemical abortion, the physician shall provide writ-
2 ten medical discharge instructions to the pregnant
3 woman which must include the statement:

4 “‘Recent developing research has indicated that
5 mifepristone alone is not always effective in ending a preg-
6 nancy. It may be possible to avoid, cease, or even to re-
7 verse the intended effects of a mifepristone-induced chem-
8 ical abortion if the second pill has not been taken. Please
9 consult with a health care professional immediately.’.

10 **“SEC. 3403. EXCEPTION FOR MEDICAL EMERGENCIES.**

11 “(a) EXCEPTION.—The provisions of section 3402
12 shall not apply in the case where a woman suffers from
13 a physical disorder, physical injury, or physical illness that
14 would, as certified by a physician, place the woman in dan-
15 ger of death unless an abortion is performed, including
16 a life-endangering physical condition caused by or arising
17 from the pregnancy itself.

18 “(b) CERTIFICATION.—Upon a determination by an
19 abortion provider under subsection (a) that an abortion
20 is necessary to save the life of a mother, such provider
21 shall include in the medical file of the pregnant woman
22 a truthful and accurate certification of the specific medical
23 circumstances that support such determination.

1 **“SEC. 3404. SIGN POSTING.**

2 “(a) POSTING.—Any private office, freestanding sur-
3 gical outpatient clinic or other facility, or clinic in which
4 chemical abortions, other than abortions necessary in the
5 case of a medical emergency described in section 3403,
6 are performed shall conspicuously post a sign (in a loca-
7 tion as described in subsection (c) so as to be clearly visi-
8 ble to patients) which reads:

9 “‘Research has indicated that mifepristone alone is
10 not always effective in ending a pregnancy and that its
11 effects can be blocked or reversed if the second pill has
12 not yet been taken. If you change your mind prior to tak-
13 ing the second pill and desire to attempt to save your preg-
14 nancy, consult with a health care professional imme-
15 diately.’”.

16 “(b) LETTERING; SIZE.—The sign required by sub-
17 section (a) shall be printed with lettering that is—

18 “(1) legible; and

19 “(2) at least three quarters of an inch boldfaced
20 type.

21 “(c) LOCATIONS.—A facility in which chemical abor-
22 tions are performed that is a private office or a free-
23 standing surgical outpatient clinic shall post the sign re-
24 quired by subsection (a) in each patient waiting room and
25 patient consultation room used by patients on whom chem-
26 ical abortions are performed. A hospital or any other facil-

1 ity in which chemical abortions are performed that is not
2 a private office or freestanding surgical outpatient clinic
3 shall post the required sign in each patient admission area
4 used by patients on whom chemical abortions are per-
5 formed.

6 **“SEC. 3405. PRINTED INFORMATION AND WEBSITE.**

7 “(a) IN GENERAL.—The Secretary shall publish, in
8 English and in each language which is the primary lan-
9 guage of 2 percent or more of the population of any State,
10 and shall cause to be available on the website required by
11 subsection (b), the following printed materials in such a
12 way as to ensure that the information is easily comprehen-
13 sible:

14 “(1) Materials designed to inform the woman of
15 the possibility of reversing the effects of a chemical
16 abortion utilizing mifepristone if she changes her
17 mind.

18 “(2) Materials on the assistance and resources
19 that may be available to help reverse the effects of
20 a chemical abortion.

21 “(b) WEBSITE.—Not later than 30 days after the
22 date of enactment of the Second Chance at Life Act of
23 2023, the Secretary shall develop and maintain a website
24 to provide the information described in subsection (a) in
25 accordance with the following:

1 “(1) No information regarding who uses the
2 website shall be collected or maintained.

3 “(2) The Secretary shall monitor on a regular
4 basis the website to prevent and correct tampering.

5 “(3) The website shall be maintained at a min-
6 imum resolution of 70 DPI (dots per inch).

7 “(4) All pictures appearing on the website shall
8 be a minimum of 200x300 pixels.

9 “(5) All letters on the website shall be a min-
10 imum of 12 point font.

11 “(6) All information and pictures on the
12 website shall be accessible with an industry standard
13 browser, requiring no additional plug-ins.

14 **“SEC. 3406. CIVIL REMEDIES.**

15 “(a) CIVIL SUITS FOR VIOLATION.—Except as pro-
16 vided in subsection (b), any of the following parties may
17 bring a civil action before the appropriate Federal district
18 court for actual and punitive damages against an abortion
19 provider who knowingly or recklessly performed or at-
20 tempted to perform a chemical abortion in violation of this
21 title:

22 “(1) A person upon whom such a chemical
23 abortion has been performed or attempted.

24 “(2) A father of an unborn child who is the
25 subject of such a chemical abortion.

1 “(3) A parent of a person upon whom such a
2 chemical abortion has been performed or attempted
3 if such person had not attained 18 years of age at
4 the time of such abortion or if such person died as
5 the result of such abortion.

6 “(b) BARRING SUIT.—A plaintiff may not bring a
7 civil action under subsection (a) if a chemical abortion is
8 performed or attempted with respect to a pregnancy that
9 is the result of the plaintiff’s criminal conduct.

10 “(c) ATTORNEY’S FEE.—If a party described in para-
11 graph (1), (2), or (3) of subsection (a) is the prevailing
12 party in an action under this section, the court shall award
13 a reasonable attorney’s fee to such party. If a defendant
14 is the prevailing party in an action under this section, and
15 the court finds that such action was frivolous or brought
16 in bad faith, the court shall award a reasonable attorney’s
17 fee to the defendant.”.

18 **SEC. 3. PREEMPTION.**

19 Nothing in this Act or the amendment made by this
20 Act shall be construed to preempt any provision of State
21 law to the extent that such State law establishes, imple-
22 ments, or continues in effect disclosure requirements re-
23 garding abortion or penalties for failure to comply with
24 such requirements that are more extensive than those pro-
25 vided under the amendment made by this Act.

1 **SEC. 4. SEVERABILITY.**

2 If any provision of this Act, or any application there-
3 of, is found to be unconstitutional, the remainder of this
4 Act and any application thereof shall not be affected by
5 such finding.